



FIDUCIARY BOARD

Arizona State Courts Building
1501 West Washington Street, Phoenix, Arizona 85007
Hearing Room 109

November 15, 2018
10:30 a.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Deborah Primock-Chair
Elaine Acosta Sweet
Gary L. Krcmarik
Catherine Robbins

Telephonically Present:

Teresa Lancaster
Emily Kile
Leonard Montanaro
Hon. Jay M. Polk

Absent:

Diana M. Corry

OTHER ATTENDEES:

AOC Staff:

Mark Wilson
Michelle Martinez
Hal White
Wil Castro
Don "D.K." Keenom
Brianna Farmer
Arnita Oliver

Guests:

CALL TO ORDER

Called to Order By: Deborah Primock, Chair

Time: 10:32 a.m.

1) REVIEW AND APPROVAL OF MINUTES:

1-A: Review, discussion and possible action regarding the regular session minutes of the meeting held on September 6, 2018.

Individual Addressing the Board: Deborah Primock, Chair

Discussion: None

Motion: Consideration of and motion to approve September 6, 2018 minutes as presented.

Motion Proposals: First Gary Kremerik
Second Elaine Acosta Sweet

Motion Results: Pass

2) PENDING COMPLAINTS:

2-A: Review, discussion and possible action regarding complaint numbers 16-0004 and 16-0005, involving licensees Southwest Fiduciary and Gregory DeVico.

Individual Addressing the Board: Mark Wilson

Discussion: It is recommended the Board accept the terms of the proposed Consent Agreement which includes the following provisions:

1. Allegations 1, 2, 4 and 5 of the Complaint, as described in the Investigative summary are dismissed.
2. The Fiduciary Board will issue and Gregory DeVico and Southwest Fiduciary, Inc. agree to accept a Letter of Concern regarding Allegation 3 alerting Gregory DeVico and Southwest Fiduciary, Inc. of the need to consider alternative forms of investment. The Letter of Concern is not to be used

as an aggravating factor in subsequent disciplinary proceedings.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Gary Krcmarik
Second Elaine Acosta Sweet
Recused Deborah Primock; Hon. Jay M. Polk,

Motion Results: Pass

2-B: Review, discussion and possible action regarding complaint numbers 17-0018, 17-0019 and 17-0020, involving licensees Ayudando Alpha, Inc. and Bradley Torch.

Individual Addressing the Board: Mark Wilson

Discussion: Staff recommends that the Board hold the complaints in abeyance until further determinations are made concerning Mr. Torch's whereabouts.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Elaine Sweet
Second Catherine Robbins

Motion Results: Pass

2-C: Review, discussion and possible action regarding complaint number 17-0021, involving Jennifer Murray.

Individual Addressing the Board: Don "D.K." Keenom

Discussion: It is recommended the Board enter a finding grounds for formal disciplinary action exists pursuant to Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(6) for act(s) of misconduct involving ACJA §§ 7-201(H)(6)(k)(6),(7) and (8) for her pattern of failing to communicate with family or those providing services.

It is further recommended the Board issue a Censure to Ms. Murray and further place Ms. Murray on probation for one year. The term of probation requiring that Ms. Murray promptly report to Division Staff all complaints received from a ward, family member or service provider that she has failed to timely communicate.

It is also recommended renewal of standard licensure be granted to Jennifer Murray.

Remarks from Jennifer Murray

Motion: Consideration of and motion to reject staff's recommendation as to complaint and issue a letter of concern.

Motion Proposals: First Gary Kermarik
Second Elaine Sweet
Recused Catherine Robbins

Motion Results: Pass

2-D: Review, discussion and possible action regarding the Division Director dismissal of complaint number 18-0002.

Individual Addressing the Board: Mark Wilson

Motion: Move to enter executive session to receive advice of counsel and to further discuss complaint.

Motion Proposals: First Elaine Acosta Sweet
Second Catherine Robbins
Recused Honorable Jay Polk

Motion Results: Pass

**Board Entered Executive Session:
10:55 a.m.**

**Return to Regular Session:
11:08 a.m.**

Discussion: On October 30, 2018, Division Director Wilson dismissed complaint number 18-0002 without prejudice upon determining that the matter falls outside the jurisdiction of the Arizona Supreme Court, court rules, the statutes or the applicable ACJA sections pursuant to ACJA § 7-201(H)(2)(b). The Division Director also determined the issuance of an advisory letter is warranted. The dismissal was forwarded to the complainant. Board review of the dismissal has not been requested.

It is recommended the Board affirm the dismissal and issue an advisory letter to the licensee.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Gary Kermarik
Second Elaine Acosta Sweet

Motion Results: Pass

2-E: Review, discussion and possible action regarding the Division Director dismissal of complaint number 18-0032.

Individual Addressing the Board: Michelle Martinez

Discussion: On October 30, 2018, Division Director Wilson dismissed complaint number 18-0002 without prejudice upon determining that the matter falls outside the jurisdiction of the Arizona Supreme Court, court rules, the statutes or the applicable ACJA sections pursuant to ACJA § 7-201(H)(2)(b). The dismissal was forwarded to the complainant. Board review of the dismissal has not been requested.

It is recommended the Board affirm the dismissal.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Elaine Sweet
Second Catherine Robbins

Motion Results: Pass

3) INITIAL LICENSURE AND ELIGIBILITY:

3-A: Review, discussion and possible action regarding the following applications for initial individual licensure:

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| 1. Lindsay Payne | 6. Ellen Majure |
| 2. Kyndall Yates | 7. Rhonda Mayo |
| 3. Rachel Yokley | 8. Matthew Neal |
| 4. Bensmiller Fiduciary Services, PLLC | 9. Tara Lara |
| 5. Scottsdale Fiduciary Services, LLC | 10. Melissa Ahlers |
| | 11. Julie Maier |

Individual Addressing the Board: Wil Castro

Discussion: The Division recommends approval of initial fiduciary licensure for the following applicants:

1. Lindsay Payne
2. Kyndall Yates
3. Rachel Yokley
4. Bensmiller Fiduciary Services, PLLC
5. Scottsdale Fiduciary Services, LLC

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Elaine Acosta Sweet
Second Gary L. Krcmarik

Motion Results: Pass

Individual Addressing the Board: Wil Castro

Discussion: The Division recommends approval of initial fiduciary licensure for Ellen Majure.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Gary Krcmarik
Second Honorable Jay Polk

Motion Results: Pass

Individual Addressing the Board: Wil Castro

Discussion: The Division recommends approval of initial fiduciary licensure for Rhonda Mayo.

Motion: Consideration of and motion to accept staff's recommendation

Motion Proposals: First Catherine Robbins
Second Elaine Acosta Sweet

Motion Results: Pass

Individual Addressing the Board: Wil Castro

Discussion: The Division recommends approval of initial fiduciary licensure for Matthew Neal.

Motion: Consideration of and motion to accept staff's recommendation

Motion Proposals: First Catherine Robbins
Second Emily Kile

Motion Results: Pass

Individual Addressing the Board: Wil Castro

Discussion: The Division recommends approval of initial fiduciary licensure for Tara Lara.

Motion: Consideration of and motion to accept staff's recommendation

Motion Proposals: First Elaine Acosta Sweet
Second Gary Krcmarik

Motion Results: Pass

Individual Addressing the Board: Wil Castro

Discussion: The Division recommends approval of initial fiduciary licensure for Melissa Ahlers with the standard non-disclosure language.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Gary Krcmarik
Second Catherine Robbins

Motion Results: Pass

Individual Addressing the Board: Wil Castro

Discussion: The Division recommends approval of initial fiduciary licensure for Julie Maier with the standard non-disclosure language.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Elaine Acosta Sweet
Second Gary Krcmarik

Motion Results: Pass

4) RENEWAL CERTIFICATION APPLICATIONS:

4-A: Review, discussion and possible action regarding the following applications for renewal of individual and/or business entity Fiduciary licensure:

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| 1. Appel, Marlene | 16. Cooper Love, Crismon J. |
| 2. Arnold, Charles L. | 17. Corona, Nicole W. |
| 3. Baldwin, Denise R. | 18. Coyne, Marshall P. |
| 4. Barkley, John D. | 19. Crane, Kelly R. |
| 5. Benjamin, Donna M. | 20. Cundiff, Ravie N. |
| 6. Bennett, Shannon J. | 21. Cundiff, Stephen M. |
| 7. Bernardini, Janice L. | 22. Curley, Donovan |
| 8. Blair, Kathryn A. | 23. Edwards Maureen L. |
| 9. Bouschor II, Royal G. | 24. Eells, Theresa J. |
| 10. Brandes, Chelsea D. | 25. Elsouhag, Belvet A. |
| 11. Burnside, Benjamin J. | 26. Escalante, Nicolle E. |
| 12. Campos, Antonella R. | 27. Espinoza, Patricia A. |
| 13. Cannon, Joe D. | 28. Farrell, Rocio |
| 14. Chavez, Katrina V. | 29. Fitzsimmons, Tamarah L. |
| 15. Collins, Carole | 30. Fleck, Jon F. |

31. *Franco, Ramon*
32. *Friman, Elizabeth N.*
33. *Garcia, Edgar*
34. *Garcia, Rhonda R.*
35. *Getchell, Margaret I.*
36. *Gloria, Glenn V.*
37. *Haley, Eric M.*
38. *Hamilton, Linda*
39. *Harner, Robert L.*
40. *Harter, Louise E.*
41. *Hartless, Vivian J.*
42. *Hawkins, H. Rex*
43. *Herron, Marshall*
44. *Hoekstra, Rochelle M.*
45. *Holliday, Deborah A.*
46. *Janik, Anton L.*
47. *Johnson, Claudia P.*
48. *Keethe, Dianne K.*
49. *Kile, Emily B.*
50. *Klecka, Michael J.*
51. *Kuzdal, Laurie L.*
52. *Lackey, Judy C.*
53. *Lamb, Sabrina*
54. *Lander, Ann M.*
55. *Lashley, Lori*
56. *Lawson, Kathleen A.*
57. *Leas, Christopher G.*
58. *Liebe, Melissa T.*
59. *Liechty, Clinton L.*
60. *Lines, Sherrel A.*
61. *Loughridge, Gregory D.*
62. *Martelli, Anna Marie*
63. *Mccoy, Sean*
64. *Mccoy, Stephanie*
65. *Mcperson, Debra K.*
66. *Mejia, Cecilia A.*
67. *Michaelson, Robin S.*
68. *Miller, Karen J.*
69. *Morales, Elizabeth*
70. *Moriarity, Kathleen A.*
71. *Murguia, Rachel L.*
72. *Olivas, Cherie R.*
73. *Ortega, Jesenia*
74. *Osollo, David T.*
75. *Palacio, Hector M.*
76. *Perez-Arrieta, Ana M.*
77. *Phillips, Pamela L.*
78. *Pimental, Dian B.*
79. *Pisiak-Kusiak, Hanna*
80. *Poarch, Tiffany*
81. *Pope, Gary R.*
82. *Posey, Elizabeth E.*
83. *Pratt, Susan E.*
84. *Primock, Deborah*
85. *Ralles, Mark T.*
86. *Rauschenbach, Tammy J.*
87. *Riddick, Ellen M.*
88. *Robbins, Catherine R.*
89. *Rogers, Eileen D.*
90. *Savattonne, Dawn*
91. *Schmierer, Caron*
92. *Schraner, Vonda K.*
93. *Schwartz, Nicole M.*
94. *Serna, Diana M.*
95. *Short, Laura J.*
96. *Singer, Janie J.*
97. *Soderquist, Carol A.*
98. *Stone, Andrew D.*
99. *Stone, Rhonda S.*
100. *Talkington, Lauren R.*
101. *Tanner, Adelina N.*
102. *Thompson, Carol Ann*
103. *Tittelbach, Kurt A.*
104. *Tomlinson, Shari J.*
105. *Trevillian, Mary T.*
106. *Tucker, Michael J.*
107. *Turley, Norman B.*
108. *Ubiebor, Amanda R.*
109. *Vallely, Dorothy E.*
110. *Vatterott-Gale, Jeanne M.*
111. *Wallace, Kathryn E.*
112. *Walsma, Pamela K.*
113. *Weigle, Misty E.*
114. *Wells, Janet I.*
115. *Westra, F.M.*
116. *Whitney, Scott E.*
117. *Williams, William W.*
118. *Wood, Henry H.*
119. *Woodburn, Melissa T.*
120. *Wyrick, Sandra D.*
121. *Yoshida-Corella, Catherine S.*
122. *Arizona Care Advocates, PC*

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| <p>123. Cochise County Public Fiduciary</p> <p>124. Coconino County Public Fiduciary</p> <p>125. Conservators of Arizona, Inc.</p> <p>126. D.M. Benjamin CPA, PC</p> <p>127. Esteemed Life Solutions, LLC</p> <p>128. Gila County Public Fiduciary</p> <p>129. Graham County Public Fiduciary</p> <p>130. Greenlee County Public Fiduciary</p> <p>131. Kile & Kupiszewski Law Firm, LLC</p> <p>132. La Paz County Public Fiduciary</p> <p>133. Maricopa County Public Fiduciary</p> <p>134. Mohave County Public Fiduciary</p> <p>135. Mohave Estate Management Office</p> | <p>136. Monarch Fiduciaries, LLC</p> <p>137. Pinal County Public Fiduciary</p> <p>138. Premier Fiduciary Services, LLC</p> <p>139. Ralles Law Firm, PC</p> <p>140. Reliance Fiduciary, LLC</p> <p>141. RLH Fiduciary LLC</p> <p>142. Santa Cruz Public Fiduciary</p> <p>143. Singer Management Services, LLC</p> <p>144. Statewide Community Services, LLC</p> <p>145. Vallely Consulting, LLC</p> <p>146. Zen Freelance Fiduciary Solutions, LLC</p> <p>147. Dyer, Charles M.</p> <p>148. Salem, Rashiel J.</p> <p>149. Tully, John P.</p> <p>150. Cooper, Susan A.</p> <p>151. Steele, Rena M.</p> |
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Individual Addressing the Board: Hal White

Discussion: It is recommended renewal of standard licensure be granted to applicants 1-146 with noted recusals.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals:

First	Elaine Acosta Sweet
Second	Gary Krcmarik
Recusals	Emily Kile: 24, 39, 49, 131, 133, 141 Deborah Primock: 39, 62, 84, 90, 141, Honorable Jay Polk: 49, 62, 131 Catherine Robbins: 10, 13, 22, 28, 31, 35, 54, 71, 87, 88, 105, 108, 112, 116, 120, 121, 133 Teresa Lancaster: 11, 76, 100

Motion Results: Pass

Individual Addressing the Board: Hal White

Discussion: It is recommended renewal of standard licensure be granted to applicant Charles M. Dyer.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Elaine Acosta
Second Honorable Jay Polk
Recusals Deborah Primock

Motion Results: Pass

Individual Addressing the Board: Hal White

Discussion: It is recommended renewal of standard licensure be granted to Rashiel J. Salem and John Tully with non-disclosure language.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Gary Krcmarik
Second Elaine Acosta Sweet

Motion Results: Pass

Individual Addressing the Board: Hal White

Discussion: It is recommended renewal of inactive status licensure be granted to the following individuals:

Cooper, Susan A.
Steele, Rena M.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Elaine Acosta Sweet
Second Gary Krcmarik
Opposed Catherine Robbins

Motion Results: Pass

Taken out of order.

Individual Addressing the Board: Mark Wilson

Discussion: Motion and vote for item 2C did not include renewal of standard licensure. It is recommended renewal of standard licensure be granted to Jennifer Murray.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Gary Krcmarik
Second Elaine Acosta Sweet

Motion Results: Pass

5) LICENSURE AND ELIGIBILITY:

5-A: *Review, discussion and possible action regarding request for voluntary surrender from licensed fiduciary, Ramon Franco.*

Individual Addressing the Board: Hal White

Discussion: It is recommended the Board accept the request of Ramon Franco to voluntarily surrender his individual fiduciary license.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Honorable Jay Polk
Second Elaine Sweet
Recused Catherine Robbins

Motion Results: Pass

5-B: *Review, discussion and possible action regarding request for inactive status from licensed fiduciary, Kathryn Wallace.*

Individual Addressing the Board: Hal White

Discussion: Staff recommends that the Board accept the request and place Kathryn Wallace, license number 20842, on Inactive Status.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Emily Kile
Second Elaine Sweet

Motion Results: Pass

5) ADMINISTRATIVE ISSUES:

Individual Addressing the Board: Michelle Martinez

Discussion: None at this time

CALL TO THE PUBLIC

Individuals Addressing the Board: None

ADJOURNMENT

Motion: Move to adjourn.

Motion Proposals: First Gary Krcmarik
Second Elaine Acosta Sweet

Motion Results: Pass

Time: 11:44

Initials: AO